

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

OPINIONLAB, INC.,)	Case No.: 1:13-cv-01574
)	
Plaintiff,)	(consolidated with Civil Action No. 12-cv-
)	5662 for pretrial purposes)
vs.)	
)	Hon. Judge Harry D. Leinenweber
QUALTRICS LABS, INC.,)	Hon. Magistrate Judge Jeffrey Cole
QUALTRICS, LLC)	
)	JURY TRIAL DEMANDED
Defendants.)	
)	
QUALTRICS LABS, INC.,)	
)	
Counterclaim Plaintiff,)	
vs.)	
)	
OPINIONLAB, INC.,)	
)	
Counterclaim Defendant.)	

**QUALTRICS' UNOPPOSED MOTION FOR LEAVE
TO AMEND ITS FINAL INVALIDITY CONTENTIONS**

Defendants Qualtrics Labs, Inc. and Qualtrics LLC (collectively “Qualtrics”) respectfully moves for leave to amend its final invalidity contentions. Qualtrics has conferred with plaintiff OpinionLab, Inc. (“OpinionLab”) regarding this motion, and OpinionLab does not oppose it.¹

Good cause exists for Qualtrics to amend its final invalidity contentions. Qualtrics recently served its final invalidity contentions. Since then, the Supreme Court issued its opinion *Nautilus v. Biosig* setting forth a new standard for indefiniteness. Qualtrics contends that under the new stand-

¹ While OpinionLab does not agree with Qualtrics’ arguments with respect to alleged good cause as stated herein and in its accompanying memorandum in support, OpinionLab nonetheless does not oppose the relief requested in this motion, i.e., that Qualtrics be permitted to amend its final invalidity contentions in the manner described.

ard, three terms from the asserted claims, “as a whole,” “icon,” and “notable,” are indefinite. Qualtrics has not delayed in raising its indefiniteness positions, which come within two months of *Nautilus* and at the same time as the parties’ selection of claim terms for construction under LPL 4.1.

Nor will OpinionLab will suffer prejudice from this amendment and indeed does not oppose this motion. Claim construction has not yet occurred, and discovery is ongoing (no depositions have been taken and fact discovery will not close for more months). If anything, Qualtrics would be prejudiced if it is not permitted to amend because it would be denied the opportunity to present its indefiniteness positions and have them resolved on the merits.

Accordingly, Qualtrics respectfully requests that the Court grant it leave to amend its final invalidity contentions as shown in its First Amended Invalidity Contentions, attached as Exhibit A to the memorandum in support of this motion. A proposed order is included.

Dated: August 5, 2014

Respectfully submitted,

/s/ Matthew W. Walch

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**ATTORNEYS FOR DEFENDANTS
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QUALTRICS, LLC**

CERTIFICATE OF SERVICE

I, Neil A. Rubin, hereby certify that on August 5, 2014, I caused to be served a true and correct copy of Qualtrics's Unopposed Motion for Leave to Amend its Final Invalidity Contentions via email to the following counsel of record for plaintiff OpinionLab, Inc.:

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